

REMARKS

The Examiner required restriction of one of the following inventions:

I. Claims 1-6, and 12-15, drawn to electromagnetic interference method, classified in class 324, subclass 72.5.

II. Claims 7-11, drawn to a signal acquisition and analysis apparatus, classified in class 702, subclass 66.

In response to the Examiner's restriction/election requirement, Applicants elect, with traverse, to prosecute Group I including claims 1-6 and 12-15. Applicants specifically reserve the right to file a divisional application directed to non elected claims 7-11.

With respect to Applicants' traversal, Applicants respectfully direct the Examiner's attention to M.P.E.P. § 803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added)

There are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Applicant respectfully submits that the Examiner would not be unduly burdened if forced to examine Groups I and II.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully Submitted,

HARNESS, DICKER & PIERCE, PLC

By

John A. Castellano, Reg. 35,094
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

JAC/zxu